

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**DIGITAL VERIFICATION SYSTEMS,
LLC,**

Plaintiff,

vs.

M-FILES, INC.

Defendant.

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Case No: 6:21-cv-00659

PATENT CASE

COMPLAINT

Plaintiff Digital Verification Systems, LLC (“Plaintiff” or “DVS”) files this Complaint against M-Files, Inc. (“Defendant” or “M-Files”) for infringement of United States Patent No. 9,054,860 (hereinafter “the ‘860 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company located at 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is a Delaware corporation with its principal office located at 6400 International Pkwy., #2500, Plano, TX 75093. On information and belief, Defendant may be served through its registered agent, The Corporation Trust Company,

Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District. 8303 N. Mopac Expy., Ste. B-228, Austin, TX 78759.

COUNT I **(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)**

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '860 Patent with sole rights to enforce the '860 Patent and sue infringers.

11. A copy of the '860 Patent, titled "Digital Verified Identification System and Method," is attached hereto as Exhibit A.

12. The '860 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13. Upon information and belief, Defendant has infringed and continues to infringe

one or more claims, including at least Claim 1, of the ‘860 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and/or software for digital signature services (e.g., M-Files), and any similar products and/or services (“Product”) covered by at least Claim 1 of the ‘860 Patent. Defendant has infringed and continues to infringe the ‘860 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14. The Product provides a system for e-signing digital documents. The Product provides for digitally verifying the identification of a signer. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Electronic Signatures

The electronic signature features offered by the Electronic Signatures and Advanced Logging module expands the M-Files workflows: the state transition can be certified with user credentials. You can use electronic signatures to certify, for example, approval of documents.

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

Metadata Definitions for an Electronic Signature Object

In order for automatic signature objects to be created in M-Files, aliases must be created for the new object type as well as for the required property definitions. The aliases are used for creating objects at the time of signing. If you are using M-Files Compliance Kit, these definitions should already be available. Otherwise, you should create the metadata definitions below to activate the separate signature objects.

Source: https://www.m-files.com/user-guide/latest/eng/electronic_signature_metadata_definitions.html#esignature_metadata_definitions_separate_signature_object

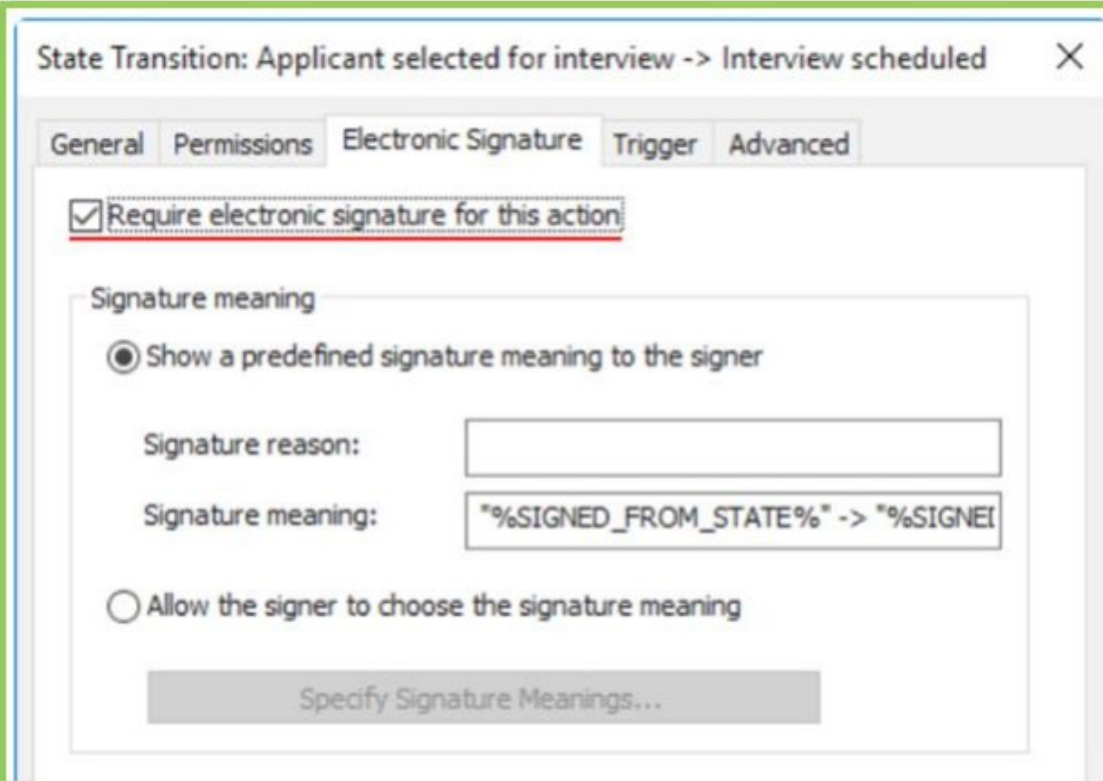
15. The Product includes at least one digital identification module structured to be associated with at least one entity. For example, the Product provides a module (e.g., creation of an e-signature module for a user) to be associated with at least one entity (i.e., a user who needs to create an e-signature). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

▼ Electronic signature for workflow state transitions

To incorporate an electronic signature with a workflow state transition:

1. Select a transition in the [Graphical Workflow Designer](#).
2. In the left-side task pane, click **Edit Transition**.
3. Move to the **Electronic Signature** tab.

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



The screenshot shows a dialog box titled "State Transition: Applicant selected for interview -> Interview scheduled" with a close button (X) in the top right corner. The dialog has five tabs: "General", "Permissions", "Electronic Signature" (which is selected), "Trigger", and "Advanced".

Under the "Electronic Signature" tab, there is a checkbox labeled "Require electronic signature for this action" which is checked. Below this is a section titled "Signature meaning" containing two radio button options:

- ☒ Show a predefined signature meaning to the signer
 - Signature reason: [Empty text box]
 - Signature meaning: ["%SIGNED_FROM_STATE%" -> "%SIGNED_FROM_STATE%"]
- ☐ Allow the signer to choose the signature meaning

At the bottom of the "Signature meaning" section is a button labeled "Specify Signature Meanings..."

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

Signature metadata

☒ Prompt the signer to enter a free-form feedback property value

Property: ▾

Additional information (not displayed when signing):

%SIGNED_AT_UTC% %SIGNED_BY%

▴ ▾

Signature target

☒ Create a separate signature object

Identifier:

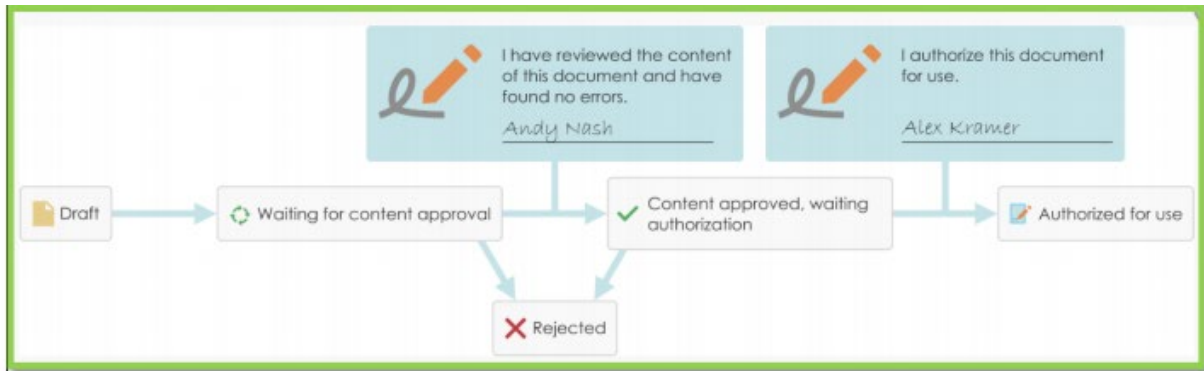
☐ Save signature manifestation as text

Property: Signature manifestation ▾

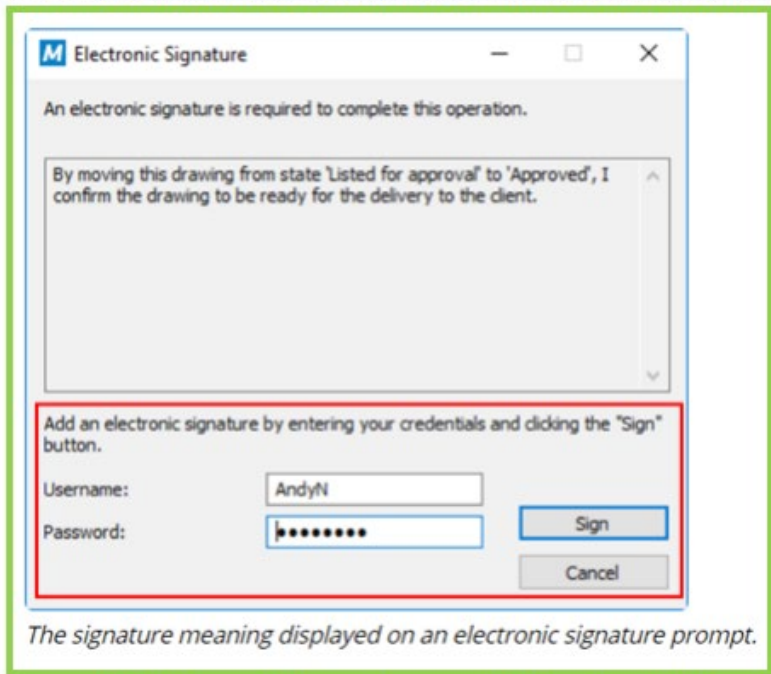
Restore Default Settings

OK Cancel Help

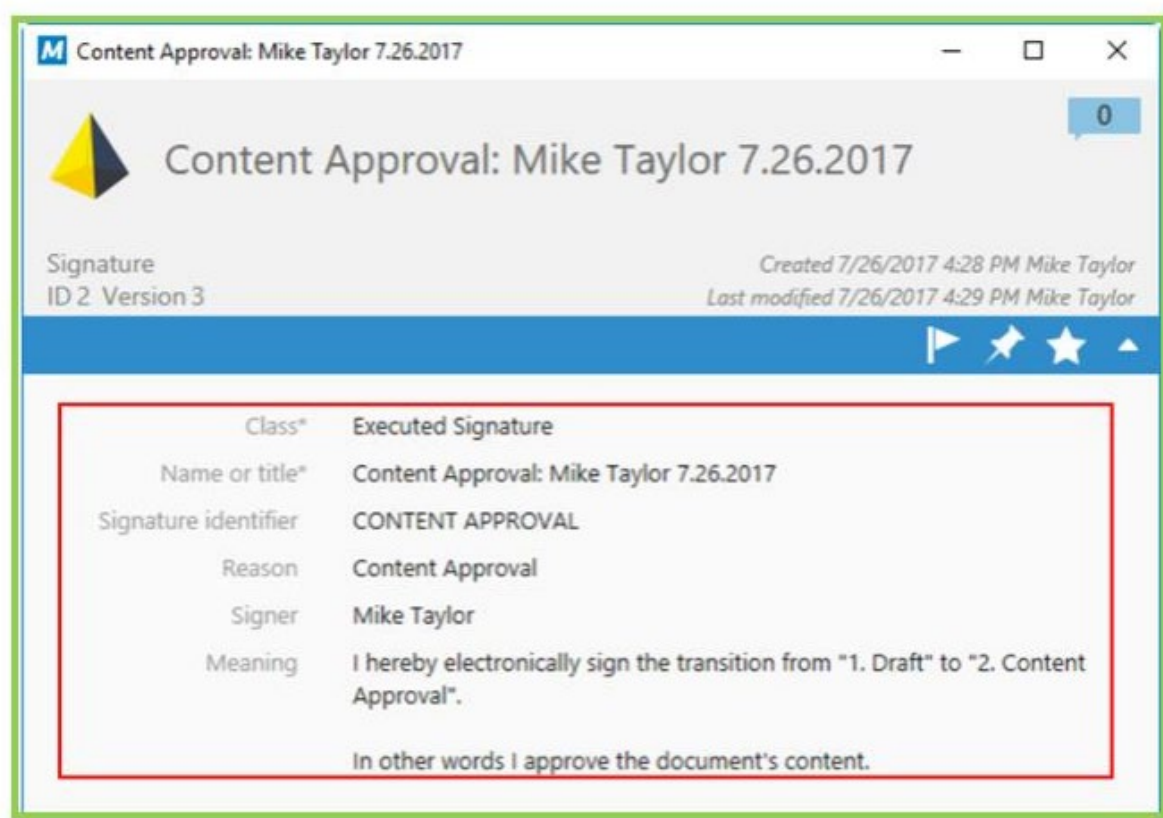
Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

16. The Product includes a module generating assembly structured to receive at least one verification data element corresponding to the at least one entity and create said at least one digital identification module. For example, the Product includes a module generating assembly structured to receive at least one verification data element corresponding to at least one entity (e.g., a user has a unique login ID and password for accessing and verifying the Product account for e-signing the documents). The module generating assembly is also structured to create the at least one digital identification module (e.g., creating an e-signature of a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

State Transition: Applicant selected for interview -> Interview scheduled

General Permissions **Electronic Signature** Trigger Advanced

☒ Require electronic signature for this action

Signature meaning

☒ Show a predefined signature meaning to the signer

Signature reason:

Signature meaning:

☐ Allow the signer to choose the signature meaning

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

The image shows a software dialog box with two main sections: "Signature metadata" and "Signature target".

Signature metadata

- ☒ Prompt the signer to enter a free-form feedback property value
- Property: [Dropdown menu]
- Additional information (not displayed when signing):
[Text area containing: %SIGNED_AT_UTC% %SIGNED_BY%]

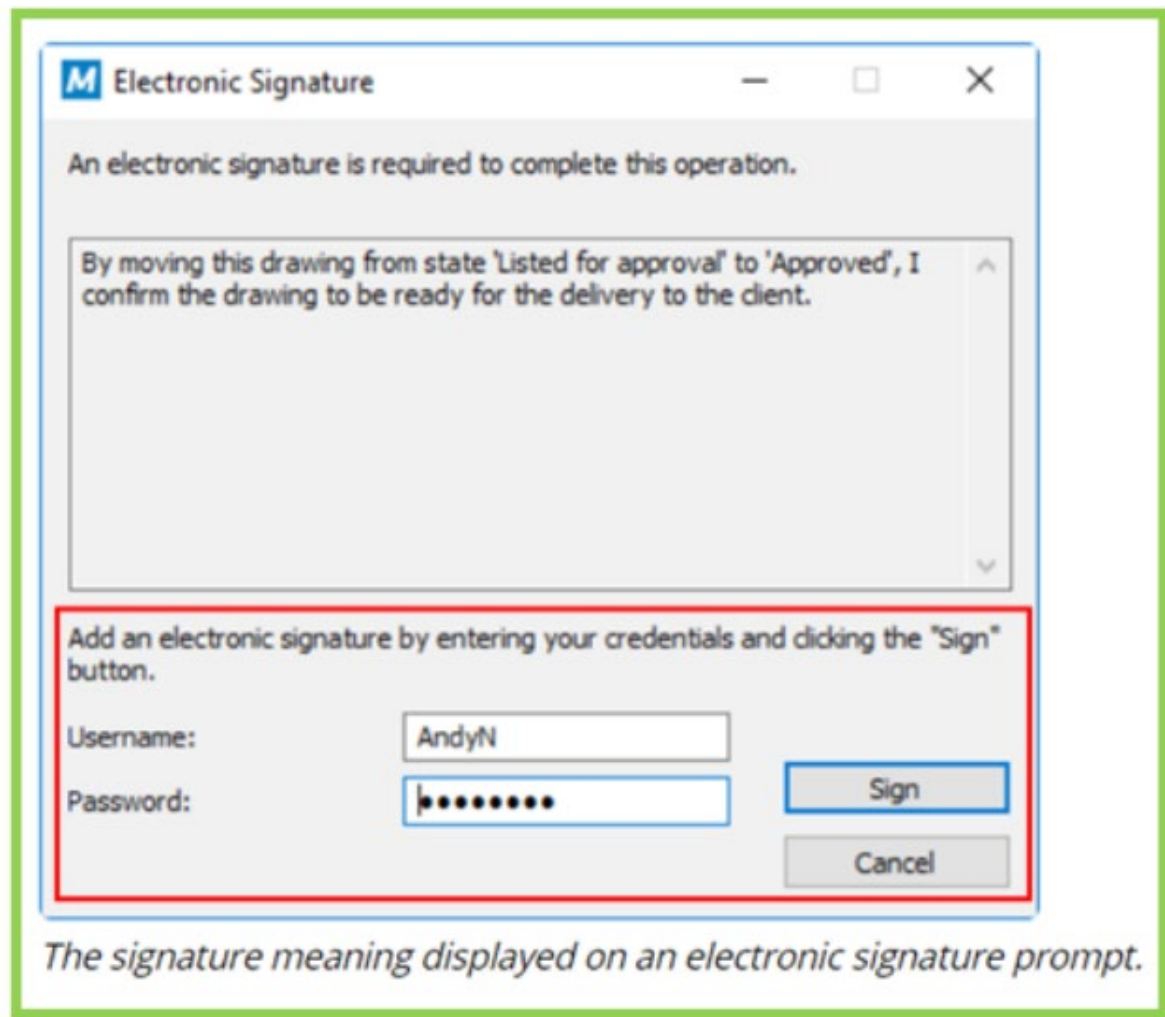
Signature target

- ☒ Create a separate signature object
- Identifier: [Text field]
- ☐ Save signature manifestation as text
- Property: [Dropdown menu showing "Signature manifestation"]

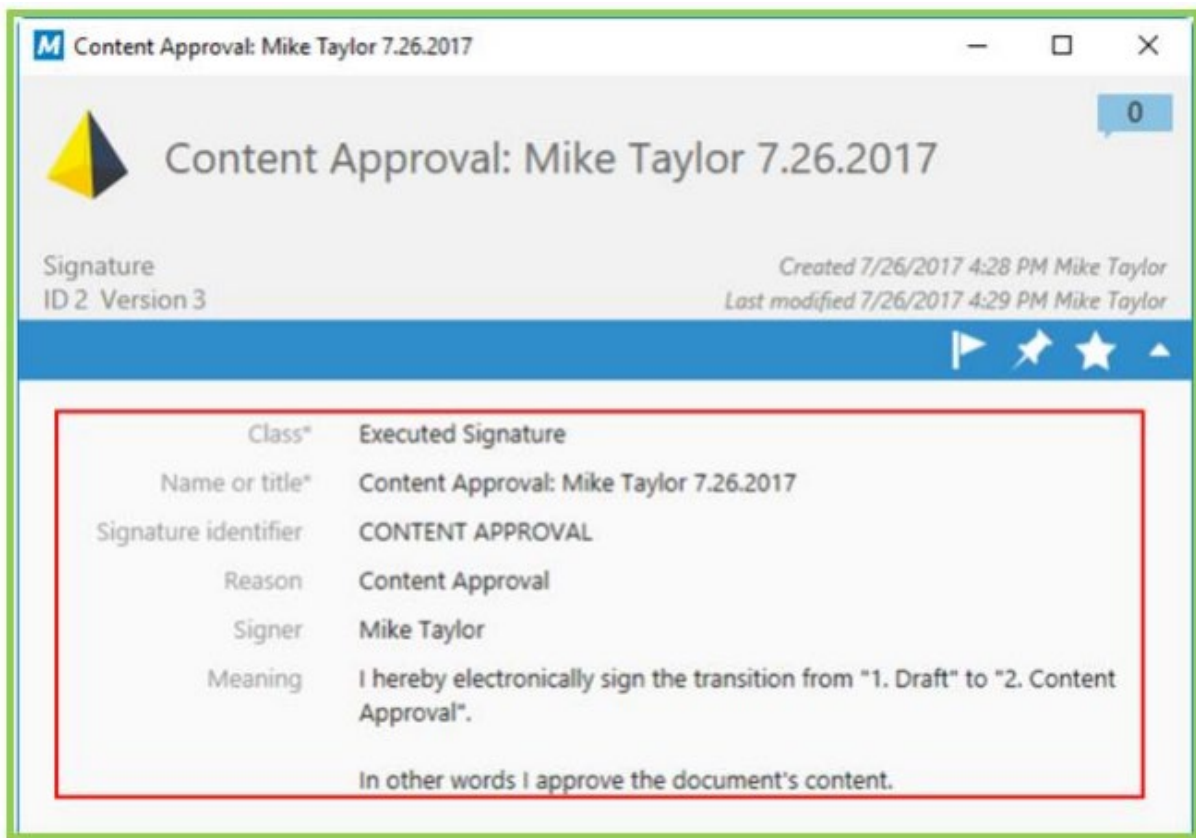
[Restore Default Settings]

[OK] [Cancel] [Help]

Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

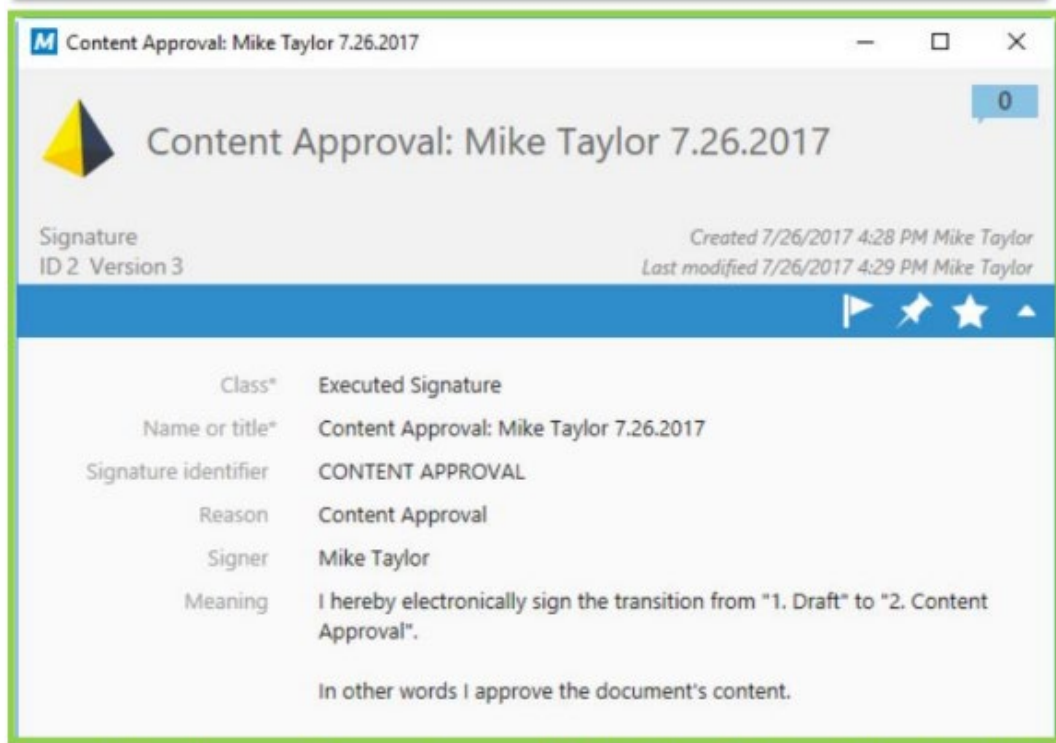


Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

17. The at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document, which can be downloaded and/or printed). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Electronic Signatures

The electronic signature features offered by the Electronic Signatures and Advanced Logging module expands the M-Files workflows: the state transition can be certified with user credentials. You can use electronic signatures to certify, for example, approval of documents.

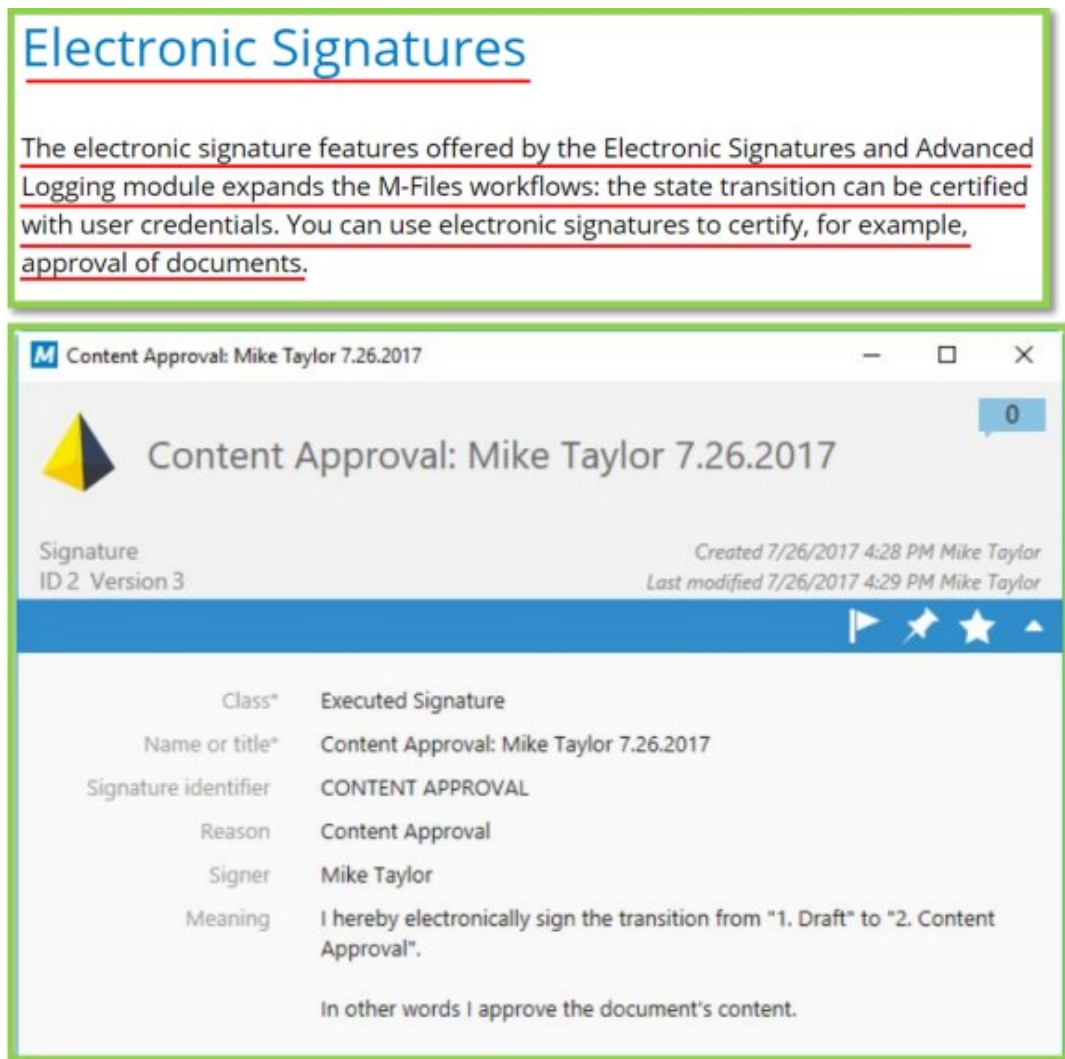


Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

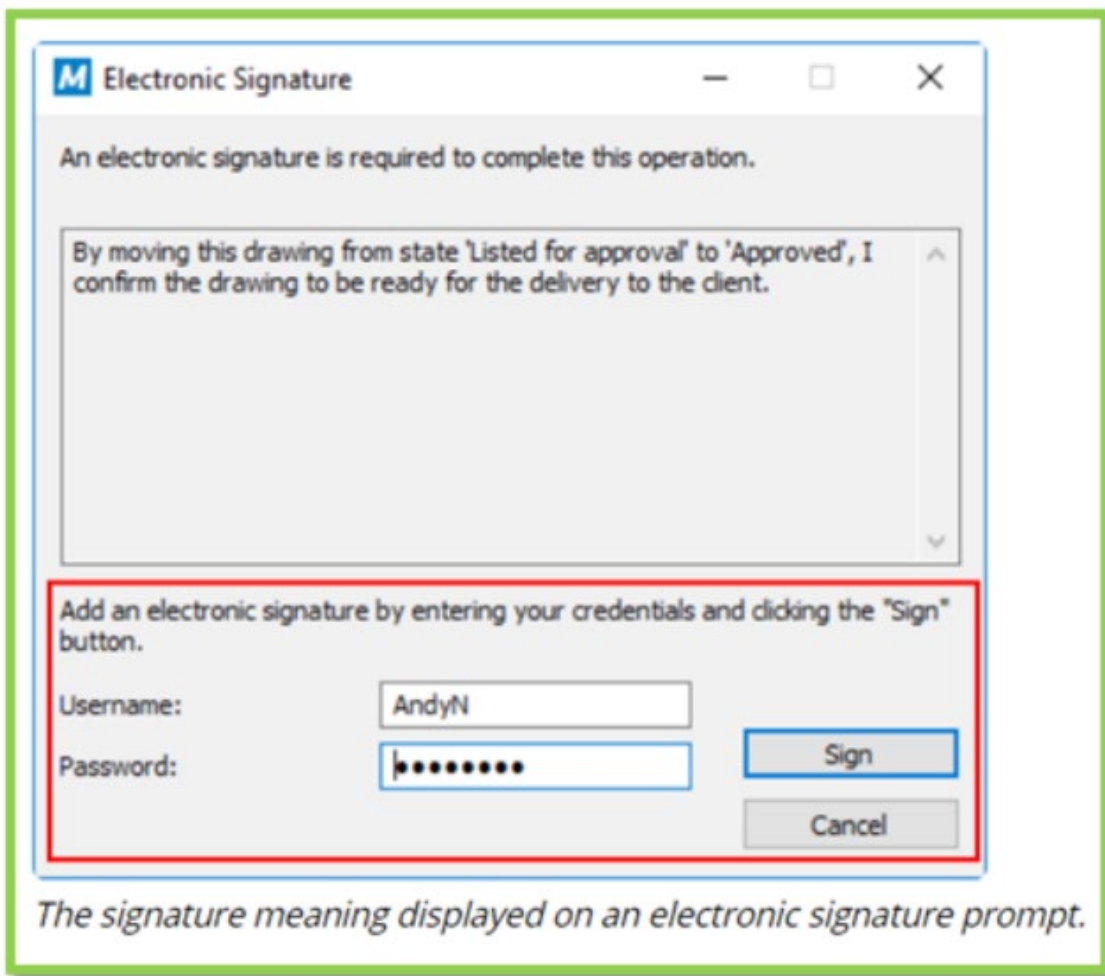
18. The at least one digital identification module includes at least one primary component structured to at least partially associate the digital identification module with the at least one entity. For example, an e-signature of a user is associated with user information including user name, date, etc. to at least partially associate the digital identification module with the at least one entity (e.g., an e-signature is associated with a user). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

19. The at least one digital identification module is cooperatively structured to be

embedded within only a single electronic file. For example, the module (e-signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html



Source: https://www.m-files.com/user-guide/latest/eng/Electronic_signature.html

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted

herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 24, 2021.

Respectfully submitted,

/s/ Jay Johnson

JAY JOHNSON

State Bar No. 24067322

D. BRADLEY KIZZIA

State Bar No. 11547550

KIZZIA JOHNSON, PLLC

1910 Pacific Ave., Suite 13000

Dallas, Texas 75201

(214) 451-0164

Fax: (214) 451-0165

jay@kjpllc.com

bkizzia@kjpllc.com

ATTORNEYS FOR PLAINTIFF